

Remarks

Claims 1 and 2 are pending in the subject application. By this Amendment, claim 1 has been amended to recite "removing the nitride layer and the first oxide layer on the surface of the substrate after forming the second preliminary source/drain region through the second ion implantation process using the spacers as a mask." Support for this amendment can be found, at least, at paragraphs [0013]-[0014]. No new matter has been introduced by this amendment. Upon entry of this amendment, claims 1 and 2 will be before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Claim 1 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Huang-Lu *et al.* (U.S. Pat. App. No. 2001/0044191) in view of Hong *et al.* (U.S. Patent No. 5,614,746). Applicant respectfully traverses. As discussed in the Response to the Office Action dated March 22, 2006, Hong *et al.* fails to teach or suggest forming a first oxide layer on the substrate including the gate electrode, forming spacers on sidewalls of the gate electrode, and then removing the nitride layer and the first oxide layer on the surface of the substrate as specified in subject claim 1. Rather, the ONO spacer of Hong *et al.* is formed on a gate oxide layer (see Figs. 3D and 3E) and its first oxide layer and nitride layer are removed in a single etching process during forming spacers on sidewalls of the gate electrode.

The Office Action at bottom of page 5 to top of page 6, states in response to Applicant's prior argument that, "Examiner would like to point out that there were no limitations set forth in the claim that the first oxide and first nitride layers are each removed in separate steps nor that only the first oxide layer and first nitride layer was removed from the surface of the substrate."

Accordingly, subject claim 1 has been amended to clarify that removing the nitride layer and the first oxide layer on the surface of the substrate is performed after forming the second preliminary source/drain region through the second ion implantation process using the spacers as a mask. Therefore, forming spacers on sidewalls of the gate electrode is separate from removing the nitride layer and the first oxide layer on the surface of the substrate.

As Huang-Lu *et al.* or Hong *et al.*, alone or in combination, fail to teach or suggest forming spacers on sidewalls of the gate electrode separate from removing the nitride layer and the first oxide layer on the surface of the substrate such that removing the nitride layer and the first oxide layer on the surface of the substrate is performed after forming a second preliminary source/drain region

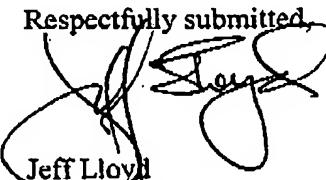
through a second ion implantation process using the spacers as a mask, a *prima facie* case of obviousness as not been presented. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection of claim 1.

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Huang-Lu *et al.* (U.S. Pat. App. No. 2001/0044191) in view of Hong *et al.* (U.S. Patent No. 5,614,746) and further in view of Xiang *et al.* (U.S. Patent No. 6,555,439). Applicant respectfully traverses. As explained above, Huang-Lu does not disclose “forming a first oxide layer on the substrate including the gate electrode” and “removing the nitride layer and first oxide layer on the surface of the substrate after forming the second preliminary source/drain region through the second ion implantation process using the spacers as a mask.” For reasons set forth above, Hong *et al.* fails to cure this deficiency. The tertiary reference, Xiang *et al.*, also fails to cure the deficiencies of these references. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In view of the foregoing, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,


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